

EXHIBIT “B”

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

No.: 3:07-cv-5944 SC--MDL No. 1917
Individual Action No.: 3:11-cv-05514

This Document Relates To:

ALL ACTIONS

HIGHLY CONFIDENTIAL

PURSUANT TO THE PROTECTIVE ORDER

VOLUME I

DEPOSITION OF NIKHIL NAYAR

May 1, 2014

Jean F. Soule, Notary Public
375338

40
YEARS

BARKLEY
Court Reporters
barkley.com

(310) 207-8000 Los Angeles	(415) 433-5777 San Francisco	(949) 955-0400 Irvine	(858) 455-5444 San Diego
(916) 922-5777 Sacramento	(408) 885-0550 San Jose	(760) 322-2240 Palm Springs	(951) 686-0606 Riverside
(818) 702-0202 Woodland Hills	(212) 808-8500 New York City	(347) 821-4611 Brooklyn	(518) 490-1910 Albany
(516) 277-9494 Garden City	(914) 510-9110 White Plains	(312) 379-5566 Chicago	(702) 366-0500 Las Vegas
+33 1 70 72 65 26 Paris	+971 4 8137744 Dubai	+852 3693 1522 Hong Kong	

13:02 1 A. Self-described. I mean, there's a lot
13:02 2 of things that happen in Target that we have to
13:02 3 execute, and his job is on that ops team. He
13:02 4 specifically deals with segmentation for our
13:02 5 multicultural merchandising.

13:02 6 Q. So broader than any particular like
13:02 7 specific product line?

13:02 8 A. Correct. It would be all
13:02 9 multicultural merchandising, not specific to a
13:02 10 category but across Target.

13:03 11 Q. Do you know when Mr. Williams worked
13:03 12 in the -- in Department 08?

13:03 13 A. He was -- I don't remember the years
13:03 14 specifically, but I believe he was the senior buyer
13:03 15 prior to Tim Livingston.

13:03 16 Q. How did Target decide which brands of
13:03 17 CRT televisions to purchase and carry?

13:03 18 A. Mark --

13:03 19 MR. HEAVEN: Object to form.

13:03 20 THE WITNESS: Market research, looking
13:03 21 at what's happening in the overall space, looking
13:03 22 at our competitors.

13:03 23 BY MR. YOLKUT:

13:03 24 Q. What forms of market research would
13:03 25 Target use in that regard?

13:03 1 A. We would visit competitor stores, take
13:03 2 a look at, you know, their shelf space on what
13:03 3 brands they carried. We would use Nielsen Market
13:03 4 Share Data.

13:03 5 Q. You would have Target employees visit
13:03 6 other stores like a Wal-Mart or a Best Buy to see
13:03 7 what they were doing?

13:03 8 A. Yes.

13:03 9 Q. Did you have a group at Target that
13:04 10 was responsible for, you know, kind of just seeing
13:04 11 what the competition was doing, that type of like
13:04 12 intelligence?

13:04 13 A. Can you clarify?

13:04 14 Q. Sure. Meaning who were the employees
13:04 15 that would be visiting these other stores?

13:04 16 A. Well, part of the role of the buyer is
13:04 17 just to stay abreast of what's going on in the
13:04 18 marketplace. So it would be them visiting
13:04 19 competition, visiting our own stores. So I would
13:04 20 say that they were the primary ones responsible for
13:04 21 taking a look at, you know, what's going on in the
13:04 22 marketplace. We'd also look at past year's history
13:04 23 to see what's working, what's not.

13:04 24 Q. And you mentioned -- actually, staying
13:04 25 on market research. Would you use research

13:04 1 provided by third companies, like NPD?

13:04 2 A. Yeah. I mean, Nielsen and NPD are the
13:04 3 two primary data points that's publicly available.

13:05 4 Q. Any other factors Target considered in
13:05 5 making its decision to go with one brand over
13:05 6 another?

13:05 7 A. Noth -- nothing specific.

13:05 8 Q. How many brands of televisions was
13:05 9 Target likely to carry in a given time period?

13:05 10 A. Our space was pretty limited in
13:05 11 stores, so I'd say anywhere from seven to -- seven
13:05 12 to eight brands.

13:05 13 Q. Could it vary by store?

13:05 14 A. It could.

13:05 15 Q. Some stores might have more shelf
13:05 16 space?

13:05 17 A. It could be shelf space or in some
13:05 18 instances certain price points of TVs just in
13:05 19 selling that market.

13:06 20 Q. Are there some must-have brands of
13:06 21 televisions?

13:06 22 MR. HEAVEN: Object to form.

13:06 23 THE WITNESS: Somewhat subjective, but
13:06 24 I'd say at the point of what we're talking about
13:06 25 Sony was considered a must-have brand or Panasonic.

17:47 1 the role of competitive pricing?

17:47 2 A. At least seven to ten years.

17:47 3 Q. What tactics would Mr. Thole's team
17:47 4 use to monitor the retail prices of its competitors,
17:47 5 of Target's competitor?

17:47 6 MR. HEAVEN: Object to form.

17:47 7 THE WITNESS: Same to what a buyer
17:47 8 would do. We can't, obviously, go to every store
17:47 9 in the country. So Lee and his team would do comp
17:47 10 shops. So, essentially, go out into the
17:47 11 marketplace, do analytics on what key items we
17:47 12 should be matching with a Wal-Mart or a Best Buy,
17:47 13 whoever it is, assess where the market is, excuse
17:47 14 me, and then where Target needs to be.

17:47 15 BY MR. YOLKUT:

17:47 16 Q. Where would the -- what would the
17:47 17 analytics be founded on?

17:47 18 A. Good, better, best pricing.

17:48 19 MR. HEAVEN: Object to form.

17:48 20 THE WITNESS: I mean, there -- there's
17:48 21 a number of things outside of just looking at where
17:48 22 the retail is at. As I've said, there's multiple
17:48 23 factors that relate to how a consumer is going to
17:48 24 perceive your assortment in store, there's brand,
17:48 25 there's the price points that you offer, the

17:48 1 relative value of the product that you have in
17:48 2 store. So there's a lot of things that Lee and his
17:48 3 team would do.

17:48 4 BY MR. YOLKUT:

17:48 5 Q. Did you have any role in working with
17:48 6 Lee and his team in competitive pricing?

17:48 7 A. When I was a divisional, yes.

17:48 8 Q. Okay. And what role did you play?

17:48 9 A. I would ask him, please, you know --
17:48 10 and it wasn't a weekly occurrence, but at some
17:48 11 point during the course of the year, semiannually
17:48 12 or annual, we'd take a competitive assessment of
17:48 13 where we were in the marketplace within the rest
17:48 14 of -- rest of the other retailers out there, and
17:48 15 we'd get a gauge of where our pricing was as it
17:48 16 related to opening price point versus mid-tier
17:48 17 versus, you know, premium brands, you know,
17:48 18 those -- one aspect of my communication with Lee.

17:49 19 Q. You would sometimes ask Mr. Thole to
17:49 20 prepare a competitive assessment of the marketplace?

17:49 21 A. Yes.

17:49 22 Q. And you'd utilize competitive
17:49 23 assessments in connection with your job
17:49 24 responsibilities at Target?

17:49 25 A. Yeah. It's one of the course -- core

30(b)(6) Target Corporation - 5/1/2014
In Re Cathode Ray Tube Antitrust Litigation

1 STATE OF MINNESOTA)
) ss. CERTIFICATE
2 COUNTY OF DAKOTA)

3 BE IT KNOWN that I, Jean F. Soule, Registered
4 Professional Reporter, took the foregoing
deposition of NIKHIL NAYAR;

5 That the witness, before testifying, was by me
6 first duly sworn to testify the whole truth and
nothing but the truth relative to said cause;

7 That the testimony of said witness was recorded
8 in shorthand by me and was reduced to typewriting
under my direction to the best of my ability;

9 That the foregoing deposition is a true record
10 of the testimony given by said witness;

11 That the reading and signing of the foregoing
12 deposition by the said witness were not waived by
the witness and respective counsel;

13 That I am not related to any of the parties
14 hereto, nor an employee of them, nor interested in
the outcome of the action;

15 That the cost of the original has been charged
16 to the party who noticed the deposition, and that
all parties who ordered copies have been charged at
the same rate for such copies;

17 WITNESS MY HAND AND SEAL this 7th day of May,
18 2014.

Jean F. Soule

19 JEAN F. SOULE, Notary Public, RPR

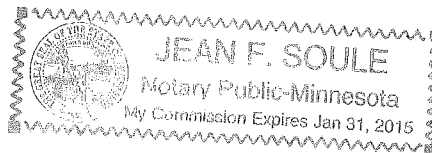


EXHIBIT “C”

HIGHLY CONFIDENTIAL
Bonny Cheng -- October 9, 2014

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)

ANTITRUST LITIGATION

Case No.
3:14-cv-02510

This Document Relates To:

Master File No.
3:07-cv-05944-SC

ALL ACTIONS

MDL No. 1917

** HIGHLY CONFIDENTIAL **

VIDEOTAPED DEPOSITION OF
VIEWSONIC CORPORATION'S 30(B)(6) WITNESS

BONNY CHENG

October 9, 2014

9:19 a.m. to 8:51 p.m.

515 South Flower Street, 40th Floor

Los Angeles, California

REPORTED BY:

Jean F. Holliday

CSR No. 4535, RPR, CRR

HIGHLY CONFIDENTIAL
Bonny Cheng -- October 9, 2014

Page 295

1 agreed upon topic.

2 MR. FOSTER: Well, then, Mr. Heaven, I'd just
3 ask you if you could tell me which -- how it's changed.

4 MR. HEAVEN: Well, it's pursuant to our
5 agreement.

6 MR. FOSTER: Okay. So we have our -- the
7 agreement that you're referring to is that Ms. Cheng is
8 prepared to testify today about ViewSonic's practices
9 during the relevant period of collecting competitor
10 information in order to -- period, and although she's
11 not prepared today to talk about how that competitor
12 information related to how ViewSonic priced its
13 products. Is that fair?

14 MR. HEAVEN: That's fair.

15 BY MR. FOSTER:

16 Q. Okay. Who -- during the relevant period,
17 Ms. Cheng, who were ViewSonic's competitors for CRT
18 monitors?

19 A. Dell, Samsung. I can't remember. It's too
20 long time ago.

21 Q. Those are the only two that you can remember,
22 sitting here today?

23 A. Yeah.

24 Q. Did ViewSonic collect information about Dell?

25 A. Yes.

HIGHLY CONFIDENTIAL
Bonny Cheng -- October 9, 2014

Page 296

1 Q. What information?

2 A. End-user pricing in the market.

3 Q. Any other information?

4 A. Their market share.

5 Q. Anything else?

6 A. What product that they offer.

7 Q. Anything else?

8 A. No.

9 Q. That's it?

10 A. That's it.

11 Q. And what information did ViewSonic collect
12 about Samsung?

13 A. Similar.

14 Q. The same three categories of information?

15 A. Yeah.

16 Q. Anything -- did ViewSonic collect
17 information -- any information about Samsung that it
18 didn't collect about Dell?

19 A. No.

20 Q. Who at ViewSonic was responsible for collecting
21 the information categories that you identified about
22 Dell?

23 A. Marketing.

24 Q. The marketing department?

25 A. Marketing department.

HIGHLY CONFIDENTIAL
Bonny Cheng -- October 9, 2014

Page 309

1 record.

2 BY MR. FOSTER:

3 Q. Ms. Cheng, before we took a break we were
4 talking about ViewSonic's efforts to collect information
5 about its competitors and that the sources of the
6 end-user price information that it would get from its
7 competitors were the website, retail stores, newspapers
8 and magazines. Do you recall that?

9 A. Yes.

10 Q. And what sources did ViewSonic use to collect
11 market share information about its competitors?

12 A. The third-party research firm.

13 Q. Any other sources?

14 A. No.

15 Q. That's the only one?

16 A. Yeah.

17 Q. Can you tell me which third-party research
18 firms ViewSonic used?

19 A. Display Search.

20 Q. Any other ones?

21 A. Not that I -- none I can think of.

22 Q. That's the only one you can think of today?

23 A. Yes.

24 Q. There might have been more, you just don't
25 remember?

HIGHLY CONFIDENTIAL
Bonny Cheng -- October 9, 2014

Page 357

1 STATE OF CALIFORNIA)
) SS
2 COUNTY OF LOS ANGELES)

3

4 I, Jean F. Holliday, a Certified Shorthand
5 Reporter, do hereby certify:

6 That prior to being examined, the witness in the
7 foregoing proceedings was by me duly sworn to testify to
8 the truth, the whole truth, and nothing but the truth;

9 That said proceedings were taken before me at the
10 time and place therein set forth, and were taken down by
11 me in shorthand and thereafter transcribed into
12 typewriting under my direction and supervision;

13 I further certify that I am neither counsel for,
14 nor related to, any party to said proceedings, nor in
15 anywise interested in the outcome thereof.

16 In witness whereof, I have hereunto subscribed my
17 name.

18

19 Dated: October 20, 2014

20

21 _____
22 Jean F. Holliday
CSR No. 4535, RPR, CRR

23

24

25

EXHIBIT “D”

HIGHLY CONFIDENTIAL

1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)) Case No.
ANTITRUST LITIGATION) No. 07-5944
) 3:07-cv005944-SC)
) MDL No. 1917

-----)
)
This Document Relates To:)
ALL ACTIONS)
)
-----)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
STATE OF CALIFORNIA, et al.,) Case No.
) CGC-11-51584
Plaintiffs,) (Related to
) CGC-110-
V.) 515-786)
)
SAMSUNG SDI, INC., CO., LTD.,)
et al.,)
)
Defendants.)

VIDEOTAPED DEPOSITION
TIMOTHY FUREY
JULY 30, 2014

HIGHLY CONFIDENTIAL

51

1 MS. YAN: Okay. 10:48

2 THE VIDEOGRAPHER: Check microphones. 10:48

3 MR. ROSS: Go ahead. 10:49

4 THE VIDEOGRAPHER: Stand by. 10:49

5 Back on the record at 10:49 a.m. This is the 10:49

6 beginning of videotape number 2. 10:49

7 BY MS. YAN: 10:49

8 Q Mr. Furey, I want to ask you about -- 10:49

9 You said before we went on break that part of 10:49

10 your job was understanding the competitive intelligence 10:49

11 and competitive pricing information, right? 10:49

12 A Yes. 10:49

13 Q Could you tell me how you obtained that kind of 10:49

14 information? 10:49

15 MR. ROSS: Objection to form; asked and 10:49

16 answered. 10:49

17 A And in -- so the way it was gathered for quite 10:49

18 some time was our stores would actually go out and 10:50

19 execute competitive price checks for their focused 10:50

20 competitor as I spoke about before. 10:50

21 Q When you say the store would go out and execute 10:50

22 competitive price checks, I want to break that up a 10:50

23 little bit. 10:50

24 Who exactly was going that -- what do you mean 10:50

25 by our stores, who was actually going out and doing 10:50

HIGHLY CONFIDENTIAL

52

1 these price checks? 10:50

2 A It could be any individual in the store. It 10:50

3 could have been a store -- it could have been anywhere 10:50

4 from the store manager down to a salesperson. But it 10:50

5 could have been anyone in -- in the store executing 10:50

6 those checks. 10:50

7 Q Okay. And when you say execute competitive 10:50

8 price checks, what do you mean by that? 10:50

9 A They would go to the competitor, and by 10:50

10 whatever means they did it, whether it be by memory or 10:51

11 whether it be written down, voice recorder, they would 10:51

12 take down their -- the competitors' tagged retail price 10:51

13 and come back and input those into our point of sale. 10:51

14 Q Did -- when they -- have you ever personally 10:51

15 gone out and executed a competitive price check? 10:51

16 A Yes. 10:51

17 Q Okay. Can you tell me about when you did that? 10:51

18 A I did it some great number of times. 10:51

19 Q Okay. How many times would you say? 10:51

20 A Easily on the order of hundreds. 10:51

21 Q Okay. And on what occasions would -- what 10:51

22 would prompt you to go to -- to execute a competitive 10:51

23 price check? 10:52

24 MR. ROSS: Objection to form. You mean when he 10:52

25 was actually working in the stores, or afterwards as 10:52

HIGHLY CONFIDENTIAL

54

1 store wherever, some competitive check, and then I would 10:53
2 just go to my local competitor, assuming it was Best 10:53
3 Buy -- this could only really happen if it was Best 10:53
4 Buy -- and see if that was accurate or not. 10:53
5 Q Okay. And going back to you said the local 10:53
6 stores would go out and execute these competitive price 10:53
7 checks, how frequently would they do that? 10:53
8 MR. ROSS: Objection to form. Time frame. 10:53
9 A At one point it was a weekly process, and at 10:53
10 some point it changed. And I cannot remember what the 10:53
11 frequency was after that change. 10:54
12 Q Do you recall when that change was? 10:54
13 A No. 10:54
14 Q Okay. When you say the frequency changed, did 10:54
15 it change to be more frequent or less frequent, if you 10:54
16 recall? 10:54
17 A Less frequent. 10:54
18 Q Less frequent. And why did it change to be 10:54
19 less frequent, if you know? 10:54
20 A It was a matter of -- it was a matter of man -- 10:54
21 man hours in the stores, you know, so there were -- 10:54
22 there were fewer people working in our stores as -- as 10:54
23 labor got reduced, so there simply was not the available 10:54
24 man hours to do that with that frequency. 10:54
25 Q All right. So when you go into a store to -- 10:54

HIGHLY CONFIDENTIAL

215

1 is the price that the consumer would see on the shelf 03:52
2 when they walk in the store. And that -- that tag would 03:52
3 be placed directly underneath, possibly over the item, 03:52
4 but that would be the -- the tagged price that the 03:52
5 consumer sees relative to the -- to the item directly 03:52
6 above or below it. 03:52

7 Q All right. Several times throughout the day 03:52
8 both counsel for LG and counsel for Toshiba used the 03:52
9 term "competitive intelligence" with regard to your 03:52
10 duties and responsibilities. Could you explain for us 03:52
11 what you mean in terms of your duties when the phrase 03:53
12 "competitive intelligence" is used? 03:53

13 A Competitive intelligence from -- from a Circuit 03:53
14 City standpoint was simply an evaluation of the gathered 03:53
15 competitive checked data that we got from our stores and 03:53
16 making an appropriate business decision as to what to 03:53
17 retail an item for based on the competitive environment. 03:53

18 So it was simply gathering the information from 03:53
19 the checks, looking at it, looking for -- for trends in 03:53
20 retail pricing and making an appropriate business 03:53
21 decision for Circuit City based on -- based off of that 03:53
22 information. 03:53

23 Q And as you've described previously today, those 03:53
24 checks that were done in competitive stores were checks 03:53
25 of the retail tagged price, correct, sir? 03:53

HIGHLY CONFIDENTIAL

216

1 A That is correct. The tag -- the tagged price 03:53
2 the consumer will see. 03:53

3 Q Okay. You also talked about, and we've seen 03:53
4 some documents, where there were reviews of advertising 03:54
5 circulars. Do you recall that? 03:54

6 A Yes. 03:54

7 Q Okay. Other than those two things, is there 03:54
8 anything else in your job that involved competitive 03:54
9 intelligence? 03:54

10 A No. 03:54

11 Q You were asked some questions about in general 03:54
12 Circuit City reacting to the retail prices of a 03:54
13 competitor, usually Best Buy was the example. Do you 03:54
14 recall those questions? 03:54

15 A Yes. 03:54

16 Q And I want to get a sense of proportionality, 03:54
17 sir. You were asked a couple of times about Best Buy 03:54
18 raising its prices and then Circuit City reacting to 03:54
19 that raise? 03:54

20 A Yes. 03:54

21 Q You were also asked generally about Best Buy 03:54
22 lowering its prices and Circuit City reacting to that 03:54
23 raise? 03:54

24 A Yes. 03:54

25 Q Which happened more often in your experience, 03:54

HIGHLY CONFIDENTIAL

217

1 Best Buy raising its prices and getting a Circuit City 03:54

2 reaction, or Best Buy lowering its prices and Circuit 03:55

3 City deciding whether to react or not? 03:55

4 A The -- 03:55

5 MR. BAVE: Object to form. 03:55

6 MS. YAN: Join. 03:55

7 A The -- the huge majority of the time it was 03:55

8 taking a retail price down, just -- if I -- if was 03:55

9 thinking about it, I would say on the order of less than 03:55

10 1 percent of the time would we take the retailers up. 03:55

11 Q Counsel showed you a couple of documents which 03:55

12 were I believe shown to you to show a consideration of 03:55

13 raising a price. I want to just quickly look at those. 03:55

14 Unfortunately 4963 seems to have been out of order. Do 03:55

15 you have it there? 03:55

16 A Yes. 03:55

17 Q Oh, okay. Let's take a look first at Exhibit 03:55

18 4963. And you see on the second page you had written an 03:56

19 e-mail that indicated Best Buy going up and a question 03:56

20 of maybe we should go up as well? 03:56

21 A Yes. 03:56

22 Q Do you remember giving testimony about that 03:56

23 earlier today? 03:56

24 A Yes. 03:56

25 Q There's on the top of the first page there is 03:56

HIGHLY CONFIDENTIAL

		220
1	fact, Circuit City raised its prices in response to	03:58
2	competitive pricing?	03:58
3	MS. YAN: Objection to form. Objection, vague.	03:58
4	A This document does not show me that we did	03:58
5	raise -- raise retails. This simply says that we need	03:58
6	to evaluate.	03:58
7	Q Were you shown any document today as an example	03:58
8	of where Circuit City did, in fact, raise its prices in	03:58
9	response to competitive pricing?	03:59
10	MS. YAN: Same objections.	03:59
11	A I didn't see any.	03:59
12	Q And do you recall any instances as you sit here	03:59
13	today of that?	03:59
14	A Not -- I do not.	03:59
15	MR. ROSS: That's all I have, sir. Thank you	03:59
16	for your time.	03:59
17	MS. YAN: Can we have one minute off the	03:59
18	record?	03:59
19	MR. ROSS: Sure.	03:59
20	THE COURT: Going off the record at 3:59.	03:59
21	(Break taken.)	03:59
22	THE VIDEOGRAPHER: Back on the record at four	04:00
23	o'clock.	04:00
24	RE CROSS EXAMINATION	04:00
25	BY MR. BAVE:	04:00